

REMARKS/ARGUMENTS

Claims 1-13 and 25 are pending in this application. By this amendment, claims 25 has been amended without prejudice.

The Examiner has indicated that claims 1-13 and 25 are rejected based on Carter (US Pub. No. 2002/0147049) or Carter in view of Carson (US 6134309). These rejections are respectfully traversed.

Carter relates to a mobile wagering system that is primarily directed to casino gaming and sports booking via a location based mobile gaming unit (see Abstract). In Carter, a gambler creates a gambling profile which operates as an account where the gambler stores credits (Paras. 13, 34, 41). At the time of establishing the gambler profile/gaming account, the user may undergo an age verification to determine if the user meets the minimum age requirement (Para. 41). Thereafter, the gambler's access to the gaming account is governed by inputting user identification or and access/security code (Para. 42). The gambler profile may be linked with a suitable credit card or banking institution (Para. 33). This gambling profile account is then added to or deducted from depending on the results of wagers (Para. 13, 47).

Carson relates to a pre-paid phone card with a promotional link that acts somewhat like a "coupon" to allow a purchaser of the phone card to obtain a lottery ticket (Abstract, col. 7, lines 59-62, col. 8, lines 23-65). Credit on the pre-paid phone card is not used to buy a lottery ticket, the card is presented to a lottery ticket seller, an identification code on the card is authenticated by the lottery ticket seller, and the card holder is issued a conventional lottery ticket (Abstract, col. 8, line 43 – col. 9, line 5).

Because Carson is directed to an entirely different area of endeavor, phone cards with promotional lottery tickets, than the ticketless mobile gambling system of Carter, Applicant

submits that a person of skill in the art would not have been motivated to combine these two references.

Even if the use of a pre-paid card were used in a gambling system, Applicant submits that neither Carter nor Carson teach or suggest a secondary verification of authorization to engage in lottery games at the time that new pre-paid credit is provided. Carter only deals with setting up an account that may be linked to a credit card when the gambler profile is created. Adding additional credit can be done using the mobile gambling unit, an Internet connection, or through dial-up procedures, and the like. Carter clearly does not envisage any secondary verification once the account has been established. Carson does not appear to discuss any verification of authorization to engage in lottery games.

This secondary verification can be important in regulated games where the lottery provider wants to verify that a user is authorized for all amounts (including new amounts) that are used for buying tickets. As noted, Carson does not even consider verification while Carter would not have considered this secondary verification because of Carter's focus on Casino-style and sports book gaming.

Further, neither Carter nor Carson teach or suggest that a prepaid account may be associated with or linked to a particular jurisdiction. Carter does generally discuss jurisdiction with regard to determining whether or not a gambler can access particular games (via local game servers), it does not teach or suggest that the transaction account be associated with a particular jurisdiction.

The association of a transaction account with a jurisdiction allows easier tracking of the money that is due to each jurisdiction (i.e. all sales of those pre-paid cards go to the associated jurisdiction rather than dividing the amounts received) and may also provide other benefits in privacy and in collection procedures. Again, Carson does not deal with this

issue and Carter teaches away from such an arrangement because money (as opposed to prepaid credit) is drawn directly from the player account to the Casino account.

Based on the foregoing arguments, Applicant submits that neither Carter nor Carson nor the combination thereof teach or suggest at least the elements of:

verifying that the player is authorized to engage in lottery games, without reference to the determining and recording that a player is generally authorized to engage in lottery games, when providing new prepaid credit to be maintained in a prepaid credit account associated with the player and associated with a jurisdiction for lottery games;

and

providing access to play one or more lottery games via the wireless lottery gateway, based on: said recorded determination that the player is generally authorized to engage in lottery games, said determined location of the player, and an amount available in said prepaid credit account, and a jurisdiction with which the prepaid credit account is associated

as claimed in amended claim 25. As such, Applicant submits that claim 25 is in condition for allowance. For at least similar reasons, as well as the additional elements therein, Applicant submits that dependent claims 1-13 are also in condition for allowance.

Serial No.: 10/829,398
Filed: April 22, 2004
Art Unit: 3714

Conclusion

The Applicant submits that the application is in condition for allowance. The examiner is encouraged to contact the undersigned to arrange an interview with any questions or concerns about this response in order to further prosecution.

Respectfully submitted,

By: /Neil Henderson/
Neil Henderson
Registration No. 47,359

Borden Ladner Gervais LLP
100 Regina St. S.
Kitchener, Ontario N2K 3S2
Canada

Date: September 11, 2008
(BLG Ref. PAT 4535-2)
OTT01\3542369\2

Tel. (519) 579-5600
Fax (519) 741-9149